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## BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE, NO. 01-244  
(Judge Charles W. Cope)

Case No. SC01-2670

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### SPECIAL COUNSEL'S IN LIMINE MOTION TO EXCLUDE

#### EVIDENCE OF POLYGRAPH TEST

The Special Counsel hereby moves for an order excluding any evidence regarding whether Judge Cope took a polygraph exam and, if so, the results of the test, and the Special Counsel states:

1. In his recent flurry of motions, Judge Cope refers to a polygraph exam he allegedly took and passed. See Motion to Dismiss at 19, 30; Motion to Dismiss Count III at 3, 14 n.5; Motion for Partial Summary Judgment at 32 n.9.

2. Such examinations and the results thereof are inadmissible under Florida law and should be excluded in this case. E.g., Perry v. State, 427 So. 2d 187, 189-90 (Fla. 1983); Roger v. State, 670 So. 2d 160, 162 (Fla. 5th DCA 1996); McKenzie v. State, 653 So. 2d 395, 396 (Fla. 4th DCA 1995).

WHEREFORE, the Special Counsel hereby moves for an order excluding any evidence regarding whether Judge Cope took a polygraph exam and, if so, the results of the test.

#### CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by facsimile and regular U.S. mail to: **Louis Kwall, Esq.**, Kwall, Showers & Coleman, P.A., 133 N. St. Harrison Ave., Clearwater, Florida 33755; **Robert W. Merkle, Jr., Esq.**, Co-Counsel for Respondent, 5510 W. La Salle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd

District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602 this 4th day of June, 2002.

By:  
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